

## REMARKS

This is in response to the Official Action currently outstanding with regard to the above-identified application, which Official Action the Examiner has designated as being FINAL, and to the Advisory Action in the above-identified application dated 23 April 2008.

Claims 1-20 and 22-51 were present in this application at the time of the issuance of the currently outstanding FINAL Official Action. Claim 21 was previously canceled, without prejudice. Further, as a result of Applicants' election in response to the Restriction Requirement of 12 March 2007 in the above-identified application, Claims 1-17, 29 and 34-39 stand withdrawn from further consideration as being directed to a non-elected invention. By both the First Amendment After Final Rejection Under 37 CFR 1.116 in the above-identified application, and by the present Request for Reconsideration and Second Amendment After Final Rejection Under 37 CFR 1.116 Applicants have proposed the amendment of Claim 18 so as to incorporate the limitations of Claim 48, and also have proposed the cancellation of Claim 48, without prejudice. Furthermore, by this Request for Reconsideration and Second Amendment After Final Rejection, Applicants propose that Claim 49 be amended so as to depend from Claim 18, rather than from canceled Claim 48 (the latter amendment was inadvertently left out of Applicants' First Amendment After Final Rejection Under 37 CFR 1.116). Applicants do not propose the amendment, addition, cancellation or withdrawal of any other claims. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 18-20, 22-28, 30-33, 40-47 and 49-51 will constitute the claims under active prosecution in this application.

The claims of this application as they will stand in the event that the Examiner grants entry to the foregoing Amendment are set forth above showing the changes made and including appropriate status identifiers as required by the Rules.

As previously noted, in n the currently outstanding FINAL Official Action, the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents.
2. Failed to re-acknowledge the acceptance of the formal drawings filed with this application on 22 December 2005 – **Applicants respectfully note for the record that the formal drawings for this application as filed on 22 December 2005 previously were accepted by the Examiner in the Official Action in this case dated 28 June 2007..**
3. Rejected claims 18-20, 22-27 and 40-49 under 35 USC 103(a) as being unpatentable over Gue et al (US Patent Application Publication No. 2004/0090483) in view of Radke (US Patent No. 6,054,011).
4. Rejected Claim 28 and 50-51 under 35 USC 103(a) as being unpatentable over the Gue et al reference in view of Noguchi et al (US Patent Publication No. 2001/0017639), and

5. Rejected Claims 30-33 under 35 USC 103(a) as being unpatentable over the Gue et al reference in view of Agarwal (US 6,290,331) – **Applicants respectfully note that the Agarwal (US 6,290,331) reference that was not listed on the Notice of References Cited (Form PTO – 892) that accompanied the currently outstanding Official Action was listed on a Notice of References cited (Form PTO-892) that accompanied the Advisory Action in this application of 23 April 2008**

Further comment with regard to items 1-5 above is not deemed to be required in these Remarks in view of the Remarks that accompanied the First Amendment After Final Rejection Under 37 CFR 1.116 in the above-identified application, which Remarks Applicants respectfully incorporate herein in full by reference. Applicants respectfully call attention to the additional amendment proposed for Claim 49 for the purpose of correcting its dependency relationship in view of the proposed cancellation of Claim 48.

Moreover, Applicants thank the Examiner and his supervisor for the courtesy accorded to their undersigned representative during the course of a telephone interview that took place on 1 May 2008 for the purpose of discussing the currently outstanding Advisory Action of 23 April 2008 in the above-identified application.

During the course of that telephone interview, Applicants' undersigned representative indicated to the Examiner and his supervisor that the Applicants believe that the Examiner's indication in the currently outstanding Advisory Action that "The limitation added to independent claim 18 was not originally present and previously considered in combination with the claims dependent on claim 18 therefore a new combination of claim limitations must be considered." is in error.

In support of this position, Applicants' undersigned representative pointed out that there is absolutely no doubt that the wording proposed to be added to Claim 18 by Applicants' First Amendment After Final Rejection Under 37 CFR 1.116 was presented in Applicants' Amendment of 24 September 2007 in the form of new Claim 48. Applicants' undersigned representative also directed attention to the fact that the Examiner dealt with the subject matter of new Claim 48 specifically in the Final Official Action of 24 January 2008.

Still further, Applicants' undersigned representative indicated that Applicants do not understand the Examiner's apparent suggestion in the currently outstanding Advisory Action that even if the subject matter added to Claim 18 by Applicants' First Amendment After Final Rejection Under 37 CFR 1.116 was previously present in this application in a claim dependent from Claim 18 (which it was in Claim 48), the addition of that subject matter to claim 18 somehow created a situation wherein further consideration and/or search are required regarding the combination of the so amended Claim 18 with the presently pending claims that are dependent thereon. In particular, Applicants undersigned representative indicated that in the present situation, the combination of Claim 18 and new Claim 48 was previously fully considered by the Examiner because dependent new Claim 48 included all of the limitations of independent Claim 18 from which it depended. Also, Applicants' undersigned representative pointed out that the Examiner already has searched the relevant art for the subject matter of the other dependent claims in the context of Claim 18. Finally, Applicants' undersigned representative indicated to the Examiner and his supervisor that it is Applicants' understanding that if the combination of Claims 18 and 48 is patentable, the patentability of that combination would carry the patentability of the claims dependent upon the currently proposed amended Claim 18.

The Examiner, on the other hand, initially took the position that by adding the limitations of Claim 48 to those of Claim 18, Applicants had changed the scope of claim 18 as well as the scope of all the claims dependent on the new claim 18. Applicants' undersigned representative agreed, but again indicated that it is Applicants' belief that if new (i.e., amended) claim 18 is deemed to be patentable, the patentability of new Claim 18 would carry with it the patentability of all the claims dependent upon new (i.e., amended) Claim 18.

In response to Applicants' representative's argument, the Examiner's supervisor responded by stating that he and the Examiner had neglected to view the case in the manner that Applicants' representative was asserting. Further, the Examiner's supervisor agreed that if amended Claim 18 is allowable, the claims dependent upon amended Claim 18 also should be allowable. In other words, it was Applicants' representative's understanding that the Examiner's supervisor agreed that assuming that amended Claim 18 is allowable, the further consideration and/or search referred to in the currently outstanding Advisory Action would not be necessary.

At that point, Applicants' undersigned representative inquired as to whether or not the present application would be allowed if Applicants proceeded by way of this request for reconsideration (as had been suggested by the Examiner's supervisor). It is Applicants' undersigned representative's understanding that the Examiner's supervisor responded to this inquiry by stating that he could not guarantee an allowance of this application in response such a Request for Reconsideration because a final search would have to be conducted prior to the issuance of a Notice of Allowance. However, Applicants' undersigned representative also understood the Examiner's supervisor to say that based upon the current record of this case he thought that this Request for Reconsideration probably would result in an allowance.

For each and all of the foregoing reasons and in light of the amendments proposed hereinabove, therefore, Applicants respectfully submit that the entry of the foregoing Amendments would place this application in condition for allowance or at least in better form for Appeal as required by 37 CAR 1.116. Consequently, a decision entering the foregoing Amendment, reconsidering the present application in view thereof, reconsidering the currently outstanding Advisory Action, and allowing this application with the claims as hereinabove amended in response to this communication is respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with this communication. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: May 22, 2008

David A. Tucker  
**SIGNATURE OF PRACTITIONER**

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